

STATE LICENSING BOARD FOR CONTRACTORS
COMMERCIAL BOARD MEETING MINUTES

June 16, 2016

The regular meeting of the Commercial Board was called to order by the Chairman, Lee Mallet, on Thursday, June 16, 2016 at 9:34 a.m. at 2525 Quail Drive, Baton Rouge, Louisiana.

Members of the Board present:

- Lee Mallett, Chairman
- Victor Weston, Vice Chairman
- Lloyd "Chip" Badeaux
- William J. Clouatre
- Nelson A. "Andy" Dupuy, Jr.
- Courtney Fenet, Jr.
- August Gallo, Jr.
- Kenneth Jones
- Donald G. Lambert
- Garland Meredith
- Christopher N. Stuart
- Byron Talbot
- Art O. Walker

N.R. "Noah" Broussard and Danny R. Graham were absent. Finding a quorum present, the regular order of business began.

Also attending the meeting were: Michael B. McDuff, Executive Director; Judy Dupuy, Board Administrator; Judge Darrell White, Retired, Hearing Officer; Jennifer Sims, Board Attorney; and from the staff, Nathan Rawls, Brent Templet, Monica Davis, Debbie Belyeu, Ashleigh Scott, Doug Traylor, Emma Payne, and John Dixon; Compliance Director, Brad Hassert; Compliance Investigators, Jessie Wells, Carl Bourque, Scott Corley, Marianne Sullivan, Dylan Bourg, Jeanette Raffray, and Todd Brady; and Tarah Revette recording the minutes.

Mr. Stuart led the members and audience in the Pledge of Allegiance.

Judge Darrell White gave the invocation, introduced himself, and advised those present of his duties.

Mr. Stuart made a motion to accept the Minutes of the **May 19, 2016** regular meeting. Mr. Gallo seconded. The motion passed.

Mr. McDuff introduced guests Duane Black and Ronald Burrough with the Attorney General's office.

NEW BUSINESS

C. QUALIFYING PARTY HEARINGS – La. R.S. 37:2156.1, Sec. 103 Rules and Regulations of the Board

Ms. Dupuy gave a summary of the allegations. No one was present on behalf of ABAT BUILDERS, INC.; CRANE CONSTRUCTION COMPANY OF ILLINOIS, LLC; MOUNTAIN TOP ENTERPRISES, LLC OF TEXAS; and SUNX FINANCE, LLC. Ms. Sims entered the exhibit packets into evidence for each aforementioned entities and they were admitted. Mr. Gallo made a motion to suspend the licenses for the aforementioned entities until such time the company has replaced the qualifying party or the qualifying party has tested. Mr. Talbot seconded. The motion passed.

D. **COMPLIANCE HEARINGS:**

1. **ALLEN PLUMBING, LLC**, Rayville, Louisiana – La. R.S. 37:2160(A)(1)

Mr. Rawls gave a summary of the allegations. Donald Allen was present on behalf of ALLEN PLUMBING, LLC and was sworn in. Mr. Allen entered a no contest plea. Mr. Jones made a motion to accept the plea. Mr. Meredith seconded. The motion passed. Mr. Allen gave a statement. Mr. Dupuy made a motion to assess a fine of \$500 and to allow the fine to be waived if the company obtains a license within 60 days. Mr. Weston seconded. The motion passed.

2. a) **ALEXANDRIA HOSPITALITY PARTNERS, LLC**, Alexandria, Louisiana – La. R.S. 37:2160(A)(1)

This matter was continued.

- b) **RW CONTRACTORS LLC**, Alexandria, Louisiana – La. R.S. 2160(A)(1)

Mr. Rawls gave a summary of the allegations and read the settlement offer presented by RW CONTRACTORS LLC. Mr. Talbot made a motion to counteroffer the settlement offer, which included a no contest plea, and the company obtaining a license within 60 days. Mr. Fenet seconded. The motion passed.

- c) **JONES HEATING & AIR CONDITIONING, INC.**, Alexandria, Louisiana – La. R.S. 2160(A)(1)

Mr. Rawls gave a summary of the allegations and read the settlement offer presented by JONES HEATING & AIR CONDITIONING, INC. Mr. Talbot made a motion to counteroffer to accept the settlement offer, which included a no contest plea, and the company obtaining a license within 60 days. Mr. Fenet seconded. The motion passed.

3. a) **BUSSTRUT TURN-KEY INC. D/B/A ARCHITECTURAL BUSSTRUT**, New Albany, Ohio – La. R.S. 37:2160(A)(1)

Mr. Rawls gave a summary of the allegations and read the settlement offer presented by BUSSTRUT TURN-KEY INC. D/B/A ARCHITECTURAL BUSSTRUT. Mr. Weston made a motion to accept the settlement offer as presented, which included a no contest plea. Mr. Stuart seconded. The motion passed.

- b) **NORDSTROM, INC.**, Seattle, Washington – La. R.S. 2160(A)(1)

Mr. Rawls gave a summary of the allegations and read the settlement offer presented by NORDSTROM, INC. Mr. Weston made a motion to accept the settlement offer as presented, which included a no contest plea. Mr. Stuart seconded. The motion passed.

4. a) **BARRY MILLER D/B/A MILLER'S ELECTRIC**, Church Point, Louisiana – La. R.S. 2160(A)(1)

Mr. Rawls gave a summary of the allegations and read the settlement offer presented by BARRY MILLER D/B/A MILLER'S ELECTRIC. Mr. Talbot made a motion to counteroffer to accept the settlement offer, which included a no contest plea, and the company obtaining a license within 60 days. Mr. Gallo seconded. The motion passed.

- b) **BRIAN S. GUIDRY, INC.**, Lafayette, Louisiana – La. R.S. 37:2158(A)(4)

Mr. Rawls gave a summary of the allegations and read the settlement offer presented by BRIAN S. GUIDRY, INC. Mr. Talbot made a motion to accept the settlement offer as presented, which included a no contest plea. Mr. Gallo seconded. The motion passed.

5. a) **TAYLOR MADES CONSTRUCTION, LLC**, Livingston, Texas – La. R.S. 37:2158(A)(4)

Mr. Rawls gave a summary of the allegations and read the settlement offer presented by TAYLOR MADES CONSTRUCTION, LLC. Mr. Cloutre made a motion to accept the settlement offer as presented, which included a no contest plea. Mr. Gallo seconded. The motion passed.

- b) **FLOOR DE LIS, LLC A PEL HUGHES COMPANY**, New Orleans, Louisiana – La. R.S. 2160(A)(1)

Mr. Rawls gave a summary of the allegations and stated that the company has requested a continuance. Mr. Gallo made a motion to grant the continuance. Mr. Meredith seconded. The motion passed.

6. Matters 6a and 6b were consolidated.

- a) **GULF SOUTH LUMBER & HARDWARE, LLC**, Arnaudville, Louisiana – La. R.S. 2160(A)(1)

- b) **LANDRY BROTHERS CONSTRUCTION, INC.**, Breaux Bridge, Louisiana – La. R.S. 37:2158(A)(5)

Mr. Rawls gave a summary of the allegations. Michael Pierce was present on behalf of GULF SOUTH LUMBER & HARDWARE, LLC and was sworn in. Gary Landry was present on behalf of LANDRY BROTHERS CONSTRUCTION, INC. and was sworn in. Mr. Pierce entered a no contest plea. Mr. Jones made a motion to accept the plea. Mr. Talbot seconded. The motion passed. Mr. Landry entered a no contest plea. Mr. Jones made a motion to accept the plea. Mr. Talbot seconded. The motion passed. Mr. Pierce and Mr. Landry gave a statement regarding the allegations. Mr. Pierce and Mr. Landry presented settlement offers to the board. Mr. Stuart made a motion to accept the settlement offer for GULF SOUTH LUMBER & HARDWARE, LLC. Mr. Lambert seconded. The motion passed. Mr. Stuart made a motion to accept the settlement offer for LANDRY BROTHERS CONSTRUCTION, INC. Mr. Lambert seconded. The motion passed.

7. **ROBERT ARCE D/B/A ARCE MONTANA ELECTRIC**, Mandeville, Louisiana – La. R.S. 37:2163(A)(4)

Mr. Rawls gave a summary of the allegations. No one was present on behalf of ROBERT ARCE D/B/A ARCE MONTANA ELECTRIC. Investigator Marianne Sullivan was called to the stand and was sworn in. Ms. Sullivan reviewed the exhibit packet. Ms. Sims entered the exhibit packet into evidence and it was admitted. Ms. Sullivan provided testimony to the board. Mr. Meredith made a motion to find ROBERT ARCE D/B/A ARCE MONTANA ELECTRIC to be in violation. Mr. Gallo seconded. The motion passed. Mr. Meredith made a motion to assess the maximum fine plus \$500 in administrative costs. Mr. Gallo seconded. The motion passed with one objection from Mr. Fenet.

8. a) **CENTRIC GULF COAST, INC.**, Metairie, Louisiana – La. R.S. 37:2158(A)(4)

Mr. Rawls gave a summary of the allegations and read the settlement offer presented by CENTRIC GULF COAST, INC. Mr. Dupuy made a motion to accept the settlement offer as presented, which included a no contest plea. Mr. Stuart seconded. The motion passed.

- b) **MARK WELLS D/B/A WELL BUILT HOMES**, Pearl River, Louisiana – La. R.S. 2160(A)(1)

Mr. Rawls gave a summary of the allegations. Christopher Mark Wells was present on behalf of MARK WELLS D/B/A WELL BUILT HOMES and was sworn in. Mr. Wells entered a no contest plea. Mr. Jones made a motion to accept the plea. Mr. Weston seconded. The motion passed. Mr. Wells gave a statement. Mr. Jones made a motion to assess a fine of \$1000 plus \$500 in administrative costs. Mr. Talbot seconded. The motion passed.

E. STATUTORY CITATIONS R.S. 37:21621:

Mr. Rawls presented the statutory citations and also requested T'S CONCRETE SERVICES, LLC to be continued to next month due to lack of payment of the citation. Mr. Dupuy made a motion to accept the statutory citations as presented including T'S CONCRETE SERVICES, LLC contingent upon receipt of the citation payment. Mr. Fenet seconded. The motion passed.

OLD BUSINESS

F. COMPLIANCE HEARINGS/CONTINUANCES:

Items 1 and 2 were companion matters.

1. **PBG ENTERPRISES, LLC**, Slidell, Louisiana – La. R.S. 37:2158(A)(5)
2. **POOLS N' STUFF, LTD.**, Slidell, Louisiana – La. R.S. 37:2175.2(A)(1)

Mr. Rawls gave a summary of the allegations. Rafael Cruz was present on behalf of PBG ENTERPRISES, LLC and was sworn in. Pierre Jeansonne was present on behalf of POOLS N' SUTFF, LTD. and was sworn in. Homeowner Brent Leblanc was also present and was sworn in. Mr. Cruz entered a no contest plea. Mr. Meredith made a motion to accept the plea. Mr. Fenet seconded. The motion passed. Mr. Jeansonne entered a no contest plea. Mr. Fenet seconded. The motion passed. Mr. Cruz and Mr. Jeansonne gave a statement to the board. Mr. Leblanc provided testimony to the board. Mr. Meredith made a motion in regards to PBG ENTERPRISES, LLC to assess a fine of \$1000 plus \$500 administrative costs and to place the company on probation for one year. Mr. Gallo seconded. The motion passed. Mr. Meredith made a motion in regards to POOLS N' SUTFF, LTD. to assess a fine of \$2000 plus \$500 administrative costs, to issue a cease and desist order, and to place the company on probation for one year. Mr. Jones seconded. The motion passed.

G. COMMITTEE REPORTS:

1. Report from the Staff – Ms. Dupuy had no new report.
2. Building Committee – Mr. McDuff had no new report.
3. Classification and Testing Committee – Mr. Gallo reported that Mr. Dupuy will present the exemptions at a later time.
4. Legislative/Rules and Regulations Committee – Mr. Fenet stated that there was a document given to the board members summarizing the 2016 Legislative Session.
5. Finance Committee – Mr. Dupuy made a motion to accept the May financial statement as presented. Mr. Stuart seconded. The motion passed.
6. Residential Building Committee – Mr. Jones gave the report at a later time.

H. Consideration of residential applications, home improvement registrations and actions of the **June 15, 2016 Residential Building Subcommittee. (Pages 5-12)**

Mr. Jones made a motion to approve the residential applications as listed on the agenda, and Mr. Meredith seconded. The motion passed.

Mr. Jones made a motion to approve the home improvement applications as listed on the agenda, and Mr. Meredith seconded. The motion passed.

Mr. Jones made a motion to approve the actions taken at the June 15, 2016 Residential Building Subcommittee meeting and Mr. Meredith seconded. The motion passed.

I. Consideration of commercial licensure exemptions as listed and attached to the agenda. (Page 13-16)

Mr. Dupuy made a motion to approve the exemptions based on Reciprocity as listed on pages 13-15 of the agenda, and Mr. Stuart seconded. The motion passed.

Mr. Dupuy made a motion to approve the Exemptions as listed on pages 15-16 of the agenda with the exceptions of B&E SMITH INVESTMENTS, LLC; MCGEHEE ENTERPRISES INCORPORATED OF LOUISIANA. Mr. Dupuy continued the motion to state that COASTAL RESTORATION

CONTRACTORS & ENVIRONMENTAL will only be approved for exemption of the Building Construction exam. Mr. Stuart seconded, and the motion passed.

J. Consideration of mold remediation application as listed and attached to the agenda. (Page 17)

Mr. Lambert made a motion to approve the mold remediation application as listed on the agenda, and Mr. Stuart seconded. The motion passed.

K. Consideration of additional classifications as listed and attached to the agenda. (Pages 18-20)

Mr. Lambert made a motion to approve the additional classifications as listed on the agenda, and Mr. Stuart seconded. The motion passed.

L. Consideration of commercial applications as listed and attached to the agenda. (Pages 21-36)

Mr. Lambert made a motion to approve the commercial applications as listed on the agenda. Mr. Stuart seconded. The motion passed.

ADJOURNMENT

Mr. Jones made a motion to adjourn at 10:39 a.m., and Mr. Talbot seconded. The motion passed.

Lee Mallett, Chairman

Byron E. Talbot, Secretary